

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PETER JOSEPH POLINSKI,

Plaintiff,

-v-

6:23-CV-316

ONEIDA COUNTY SHERIFF *et al.*,

Defendants.

APPEARANCES:

PETER JOSEPH POLINSKI
Plaintiff, Pro Se
5735 Cavanaugh Road, Suite 614
Marcy, NY 13401

OF COUNSEL:

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On March 9, 2023, *pro se* plaintiff Peter Joseph Polinski (“plaintiff”) filed this civil rights action alleging that defendants Keybank, the Comptroller of Utica, the City of Utica, and the Oneida County Sheriff’s Office were liable for their involvement in certain fraudulently transferred payments. Dkt. No.

1. Along with his complaint, plaintiff sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2. Thereafter, plaintiff filed an amended complaint as of right. Dkt. No. 4. Plaintiff then moved for

injunctive relief, Dkt. No. 8, which was denied, Dkt. No. 11. The amended complaint was referred to the assigned Magistrate Judge for an initial review of its sufficiency. *Id.*

On April 18, 2023, U.S. Magistrate Judge Miroslav Lovric granted plaintiff's IFP Application for the purpose of filing and advised by Report & Recommendation ("R&R") that the amended complaint be dismissed as frivolous or, in the alternative, dismissed with limited leave to replead certain claims but not others. Dkt. No. 13.

As Judge Lovric explained, plaintiff's amended complaint was "replete with pseudo-legal jargon of the kind typically used by litigants who affiliate themselves with the sovereign citizen movement." Dkt. No. 13. While Judge Lovric's R&R was under review by this Court, plaintiff filed another motion for injunctive relief, Dkt. No. 14, and exhibits to his pleading, Dkt. No. 15.

Plaintiff has also filed objections. Dkt. No. 16. Upon *de novo* review of the portions to which plaintiff has objected, the R&R is accepted and will be adopted in all respects. *See* 28 U.S.C. § 636(b)(1)(C). In particular, the Court agrees with Judge Lovric's bottom-line conclusion: the amended complaint is frivolous.¹ The pleading references everything from the King James Version of the Holy Bible and Magna Carta to the Geneva Conventions and the

¹ Plaintiff's exhibits do not provide a basis to change this conclusion. Dkt. No. 15.

International Covenant of Civil and Political Rights. What the pleading does not do, however, is plausibly allege any facts that might tend to show that the checks plaintiff claims to have sent to the City of Utica's Comptroller's Officer were "fraudulently transferred" to Keybank. Instead, the rest of plaintiff's pleading quotes extensively from various legal texts, treatises, and other documents, without articulating any kind of statement, let alone a short and plain one, that might entitle him to relief under the law—certainly not the \$585,000,000.00 in relief he has requested in the *ad damnum* clause of his operative pleading.

Therefore, it is

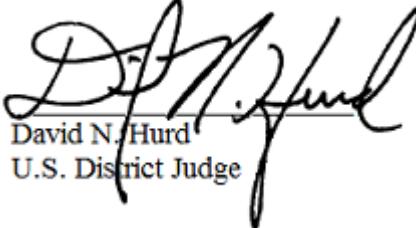
ORDERED that

1. The Report & Recommendation is ACCEPTED; and
2. Plaintiff's complaint is DISMISSED as frivolous.

The Clerk of the Court is directed to terminate the motions, enter a judgment accordingly, and close the file.

IT IS SO ORDERED.

Dated: May 10, 2023
Utica, New York.



David N. Hurd
U.S. District Judge